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**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: W. Va. Code Sections 30-5-7

AMENDMENT TO AN EXISTING RULE: YES x NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Registration of Pharmacy Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

David E. Potters
Authorized Signature

**TITLE 15
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF PHARMACY**

**SERIES 7
REGISTRATION OF PHARMACY TECHNICIANS**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE**§15-7-1. General.**

1.1. Scope. -- To establish standards for the training and regulation of pharmacy technicians.

1.2. Authority. -- W. Va. Code ~~§30-5-5(a)~~ § 30-5-7.

1.3. Filing Date. -- _____.

1.4. Effective Date. -- _____.

§15-7-2. Definitions.

2.1. ~~"Pharmacist in Charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.~~ "Certified Pharmacy Technician" or "CPhT" means a person who holds a current certification as a nationally certified pharmacy technician granted by NHA or PTCB.

2.2. "National Healthcareer Association" or "NHA" means the association which includes the ExCPT Certification Board, which develops, maintains, promotes, and administers a nationally accredited certification and recertification program for pharmacy technicians to become a CPhT, including its ExCPT Pharmacy Exam (ExCPT), which was originally established by the Institute for the Certification of Pharmacy Technicians.

2.3. "Pharmacy Technician" means a person registered supportive personnel who work under the direct supervision of a pharmacist who have passed an approved training program with the board to practice certain tasks related to the practice of pharmacist care in this State within the scope of practice permitted by West Virginia Code Section 30-5-12, as provided, permitted, and limited by the laws and rules governing the practice of pharmacist care.

2.4. "Pharmacy Technician Certification Board" or "PTCB" means the entity established by its five governing organizations, the American Pharmacists Association, American Society of Health-System Pharmacists, Illinois Council of Health-System Pharmacists, Michigan Pharmacists Association, and National Association of Boards of Pharmacy, which develops, maintains, promotes, and administers a nationally accredited certification and recertification program for pharmacy technicians to become a CPhT, including its Pharmacy Technician Certification Exam (PTCE).

2.32.5. "Pharmacy Technician Trainee" means an individual currently engaged in a competency-based pharmacy technician education and training program which has been approved by the Board and who is performing the duties of a pharmacy technician under the direct supervision of a pharmacist.

§15-7-3. Qualifications For Registration as a Pharmacy Technician; 20 Hour Training Program.

3.1. An individual who To be eligible for registration as a pharmacy technician, an individual shall comply with West Virginia Code § 30-5-11, and shall submit an application on the forms provided by the board, together with the application fee of \$25.00, evidencing that the individual:

(a) has been employed in the State of West Virginia as a pharmacy technician for 2,080 hours was registered as a pharmacy technician in the State of West Virginia prior to July 1, 2014, the registration was still active and in good standing through June 30, 2014, and he or she is otherwise eligible to renew his or her registration prior to the effective date of this rule; or

(b) is a registered technician in another state; or for those obtaining registration beginning July 1, 2014, and forward:

(1) has either:

(e)(A) is graduated from a competency-based pharmacy technician education and training program of a learning institution or training center approved by the Board; or

(B) completed a pharmacy-provided, on-the-job, competency-based education and training program approved by the Board; and

(2) certified by the Pharmacy Technician Certification Board (PTCB) may apply to the board for registration as a pharmacy technician and shall complete a 20-hour training program as outlined in subsection 3.4 of this rule and shall be exempt from the examination requirement set forth under subsection 4.6 of this rule. successfully passed the ExCPT national examination administered by NHA or the PTCE national examination administered by PTCB, and holds a current certification from NHA or PTCB, respectively, as a CPhT;

(3) completed a 20-hour training program as outlined in subsection 3.2 of this rule. The pharmacist-in-charge must submit to the Board certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed this training program; and

(4) request and submit to the board the results of a state and a national electronic criminal history records check by the West Virginia State Police. The applicant shall furnish to the State Police a full set of fingerprints and any additional information required to

complete the criminal history records checks. The applicant is responsible for any fees required by the State Police in order to complete the criminal history records checks. The board may require the applicant to obtain an electronic criminal history records check from a similar agency in the state of the applicant's residence, if outside of West Virginia. In addition, the board may contract with a company specializing in the services required by this paragraph instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks.

(A) The criminal history records must have been requested within the twelve (12) months immediately before the application is filed with the board.

(B) To be qualified for registration, the results of the criminal history records check must be unremarkable, and verified by a source acceptable to the board other than the applicant.

(C) The board may deny registration to any applicant who fails or refuses to submit the criminal history records checks required by this subsection.

~~3.2. If an individual does not qualify under subsection 3.1 of this rule, then the individual shall complete the training program as outlined in section 4 of this rule and pass the examination set forth under subsection 4.6 of this rule.~~

~~3.3. The applicant shall:~~

~~(a) verify his or her employment by submitting to the Board an affidavit of the pharmacist-in-charge certifying that the applicant has performed the duties of a pharmacy technician as defined in section 5 of this rule for 2,080 hours; or~~

~~(b) verify that he or she is a registered pharmacy technician in another state; or~~

~~(c) verify that he or she has been certified by the Pharmacy Technician Certification Board.~~

~~3.43.2. The pharmacist-in-charge of each pharmacy shall create a 20-hour training program regarding the drug dispensing process in that pharmacy which shall include the following:~~

~~(a) the steps in receiving prescriptions;~~

~~(b) the creation of or updating of patient profiles;~~

~~(c) the entering of prescription information into the computer;~~

~~(d) the updating of files and the printing of labels;~~

~~(e) the pulling of stock packages from shelves;~~

- (f) the checking of medications;
- (g) the preparing of medications;
- (h) refill procedures and regulations; and
- (i) record keeping.

~~3.5. The pharmacist in charge must certify that the pharmacy technician trainee has adequately completed the 20 hour training program.~~

§15-7-4. Registration and Examination; 2,080 Hour Learning Institution or Training Center Provided and On-the-Job Pharmacy-Provided Competency-Based Training Program

4.1. In order for pharmacies to be able to train and hire competent pharmacy technicians, a pharmacy may employ an individual as a pharmacy technician trainee and provide on-the-job, competency-based pharmacy technician training for the individual to become qualified for registration as a pharmacy technician. A pharmacy shall submit its pharmacy technician training program to the Board for approval prior to its use.—, Provided that, all training programs currently approved for use by the Board on the effective date of this rule are hereby approved for continued use as previously approved. The training program shall be outlined in a training manual which shall be used throughout the program. The training program shall, at a minimum contain the following:

(a) written procedures and guidelines for the use and supervision of pharmacy technicians. The procedures and guidelines shall:

(A1) specify the manner in which the pharmacist-in-charge responsible for the supervision of pharmacy technicians shall supervise the pharmacy technicians and verify the accuracy and completeness of all acts; and functions performed by them; and

(B2) specify duties which may and may not be performed by pharmacy technicians; and

(b) instruction in the following areas and any additional areas appropriate to the duties of pharmacy technicians in the pharmacy:

(A1) Orientation;

(B2) Job descriptions;

(C3) Communication techniques;

(D4) Legislative rules of the West Virginia Board of Pharmacy;

(E5) Security and safety;

(F6) Prescription drugs, including:

(1A) Basic pharmaceutical nomenclature; and

(2B) Dosage forms;

(G7) Prescription drug orders, including:

(1a) Prescribers;

(2b) Directions for use;

(3c) Commonly used abbreviations and symbols;

(4d) Number of dosage units;

(5e) Strengths and systems of measurement;

(6f) Routes of administration;

(7g) Frequency of administration;

(8h) Interpreting directions for use; and

(H8) Prescription drug order preparation, including:

(1a) the creation or updating of patient medication records;

(2b) the entering of prescription drug order information into the computer or typing the label in a manual system;

(3c) the selection of the correct stock bottle and the accurate counting of or pouring of the appropriate quantity of drug product;

(4d) the selection of the proper container; and

(5e) the preparation of the finished drug product for inspection, labelling, and final check by pharmacists;

(I9) Drug product prepackaging;

(J10) the compounding of non-sterile pharmaceuticals; and

(K11) Written policy and guidelines for the use of and supervision of pharmacy technicians.

4.2. A pharmacy technician trainee shall complete initial training at a pharmacy as outlined ~~by outlined by the pharmacist-in-charge in the training manual, prior to the regular performance of his or her duties. Beginning July 1, 2014, The training the on-the-job, competency-based pharmacy technician training program shall consist of 12 months of full-time employment or 2,080 a minimum of 960 hours of employment within 24- a 15-months period under the direct supervision of a pharmacist.~~

4.3. ~~A pharmacy technician trainee~~ An individual may work as a pharmacy technician trainee only as a student enrolled in a competency-based pharmacy technician education and training program of a learning institution or training center approved by the Board as part of an experiential education component, or as an employee of a pharmacy in a 960-hour on-the-job, competency-based pharmacy technician training program. shall notify the Board in writing within (30) days of starting to work in the pharmacy. The Board shall apply any hours worked by the pharmacy technician trainee during this interim period towards the 2,080 hours required for successful completion of the training program. Prior to starting work in a pharmacy as a pharmacy technician trainee, the applicant shall submit an application on the forms provided by the board evidencing that he or she:

(a) has graduated from a high school or obtained a Certificate of General Educational Development (GED) or its equivalent;

(b) is not an alcohol or drug abuser;

(c) has not been convicted of a felony in any jurisdiction within ten years preceding the date of application;

(d) has not been convicted of any misdemeanor or felony in any jurisdiction which bears a rational nexus to the practice of pharmacist care; and

——— has requested and submitted to the board the results of a state and a national electronic criminal history records check by the West Virginia State Police, as detailed in subdivision 3.1(b)(4) of this rule.

4.4. (a) If the pharmacy technician trainee leaves the competency-based pharmacy technician education and training program of a learning institution or training center identified in his or her application, the learning institution or training center shall notify the Board in writing within 30 days that the trainee is no longer enrolled in the program. Upon leavin, the trainee may not continue to work as a trainee.

(b) If the pharmacy technician trainee is transferring from the original pharmacy identified in his or her application as the pharmacy providing an on-the-job, competency-based pharmacy technician training program, the pharmacist-in-charge of that pharmacy shall notify the Board, in writing, within 30 days that the pharmacy technician trainee is no longer working there. The pharmacist-in-charge of the new pharmacy must notify the Board in writing within 30 days of the pharmacy technician trainee starting to work in the new pharmacy which is providing the on-the-job, competency-based pharmacy technician training program.

(c) Within (24) 15 months of approval of his or her application to beginning the working as a pharmacy technician in a training program, the pharmacy technician trainee pharmacist-in-charge

must submit to the Board a certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed the training program, or that he or she has failed to complete the training program, whichever is applicable.

(d) Any pharmacy technician trainee already participating in an ongoing training program prior to July 1, 2014, shall be given credit for any hours completed in that program, and will have until 2 years from the date he or she originally began that program, or until October 1, 2015, whichever occurs first, to complete the required topics covered in the training program, complete a minimum of 960 hours, and receive the certification of completion of the training program from the pharmacist-in-charge.

(e) A pharmacy technician trainee shall have 90 days from the date of graduation from the competency-based pharmacy technician education and training program of a learning institution or training center, or the date of the certification of completion of the training program by the pharmacist-in-charge, to successfully pass the ExCPT or PTCE national certification examination, obtain certification as a CPhT, and submit this information along with his or her application for registration in this State as a pharmacy technician.

(f) If the pharmacy technician trainee fails to complete the required training program and hours within (24) the 15 months period, the Board shall require the pharmacy technician trainee to begin a training program again with no credit given for any previous hours, must cease working in the pharmacy immediately. Provided that, - The Board may, upon approval of a petition to the Board by a pharmacy technician trainee:

(1) provide an extension of time for completion of the training program upon the showing of special circumstances by a pharmacy technician trainee; or

(2) permit a pharmacy technician trainee to begin a training program again with no credit given for any previous hours.

(g) If the pharmacy technician trainee fails to successfully pass the ExCPT or PTCE national certification examination and obtain certification as a CPhT within 90 days from the date of graduation from the competency-based pharmacy technician education and training program of a learning institution or training center, or the date of the certification of completion of the training program by the pharmacist-in-charge, the pharmacy technician trainee shall cease working in the pharmacy immediately until he or she satisfies this requirement. Provided that, the Board may, upon approval of a petition to the Board by a pharmacy technician trainee:

(1) provide an extension of time for completion of a personal remediation or re-training program which is presented to the Board with the petition; or

(2) permit a pharmacy technician trainee to begin a training program again with no credit given for any previous hours by making a new application to become a pharmacy technician trainee as described in subsection 4.3 above.

4.5. The pharmacist-in-charge of the pharmacy providing on-the-job, competency-based pharmacy technician training program shall document that whether or not the pharmacy technician trainee has completed the training program and certify the competency of each technician completing the training. The pharmacist-in-charge shall maintain a written record of the initial training of each pharmacy technician. The written record shall contain the following information:

- (a) the name of the person receiving the training;
- (b) the date of the training;
- (c) a general description of the topics covered;
- (d) a statement or statements that certify that the pharmacy technician is competent to perform the duties assigned;
- (e) the name of the person supervising the training; and
- (f) the signature of the pharmacy technician and the pharmacist-in-charge or other pharmacist employed by the pharmacy and designated by the pharmacist-in-charge as responsible for the training of pharmacy technicians.

~~4.6. Upon completion of the training program the pharmacy technician trainee shall apply for registration with the Board as a pharmacy technician and submit the registration fee of \$25.00 and the examination fee of \$25.00. A pharmacy technician trainee shall take a competency examination prepared and administered by the Board and obtain a passing score of 75%. If a pharmacy technician trainee fails to pass the examination satisfactorily, he or she is entitled at either the first or second succeeding examination conducted by the Board to a re-examination without paying any additional fees. If the pharmacy technician trainee fails the re-examination, he or she shall reapply for registration and submit the registration fee of \$25.00 and the examination fee of \$25.00.~~

§15-7-5. Duties and Restrictions of a Pharmacy Technician.

5.1. A pharmacy technician may not:

- (a) receive verbal prescription drug orders and reduce these orders to writing either manually or electronically;
- (b) interpret and evaluate prescription drug orders;
- (c) select drug products;
- (d) interpret patient medication records and perform drug regimen reviews;
- (e) deliver the prescription to the patient before a pharmacist performs the final check of the dispensed prescription to ensure that the prescription has been dispensed accurately as prescribed;

(f) communicate to the patient or the patient's agent, information about the prescription drug or device which in the exercise of the pharmacist's professional judgement, the pharmacist considers significant;

(g) communicate to the patient or the patient's agent, information concerning any prescription drugs dispensed to the patient by the pharmacy; or

(h) receive or place a call for a transferred prescription.

5.2. The duties of a registered pharmacy technician may include, but are not limited, to the following:

(a) the placement, receipt, unpacking and storage of drug orders;

(b) maintenance of the work area and equipment in a clean and orderly condition;

(c) the ordering and stocking of all pharmacy supplies;

(d) the checking of all prescription and non-prescription stock for outdates and the processing of outdated returns;

(e) the operation of the cash register. However the pharmacy technician shall

(A1) only handle the complete transaction on refill prescriptions when specifically requested to do so by the pharmacist and when the patient has no questions for the pharmacist;

(B2) only handle the transactions on new prescriptions after counseling by the pharmacist has been offered; and

(C3) refer all questions regarding over the counter and prescription drug product selection or advice to the pharmacist;

(f) the filing of completed hard-copies of new prescriptions, (except schedule II drugs) in numerical order. A pharmacist shall file schedule II drug prescription hard-copies;

(g) the placement of completed prescription orders on the will-call shelf;

(h) the wrapping of completed orders for mailing and the logging of mailed and delivered orders into a record;

(i) the printing of third-party billings, the processing of the billings for mailing and the transmission of electronically handled third-party billings;

(j) the reconciliation of third-party payments;

(k) the contacting of third-party billers and payers if problems arise while handling a patient's insurance transmissions;

(l) the posting of patient purchases to private charge accounts and assisting with the printing and distribution of the monthly statements;

(m) the handling of non-professional phone calls to or from:

(A1) patients requesting refills of prescriptions by number and patient name;

(B2) physicians' offices authorizing refills, if no changes in the prescription are involved, and where the patient's name, medication and strength, number of doses, and date of prior fill is stated. The pharmacy technician shall refer any other inquiries by the prescribing physician's office to the pharmacist;

(C3) patients concerning price information that has been calculated by computer;

(D4) patients concerning business hours, mailing and delivery services, and the availability of goods and services;

(E5) patients asking if their prescriptions are refillable and the number of refills remaining. Any interpretation of the proper length of time between refills must be handled by the pharmacist;

(F6) wholesalers and distributors dealing with the ordering of goods and supplies; and

(G7) physicians' offices regarding patient profile information, where no interpretation or judgment is necessary and only after the pharmacy technician verifies to whom the information is being given.

(n) the acceptance of refill requests and the acceptance of new written prescriptions from patients or their agents after determining the following: the patient's correct name, address, phone number, birth date, drug allergies, disease state(s), and the method of payment;

(o) the entering of prescription data and patient profile data into the computer. The pharmacy technician shall refer any information needing clarification or interpretation to the pharmacist. The pharmacy technician shall:

(A1) Monitor the label printing; and

(B2) Alert the pharmacist to any duplication of medication, drug therapy overlap, drug interactions, drug-disease state interactions, and any questions that arise from entering the information.

(p) the performance of tasks under the pharmacist's supervision, such as obtaining stock bottles for prescription filling;

(q) the counting and pouring from stock bottles for individual prescriptions only under the direct supervision of a pharmacist. The pharmacist shall initial the hard copy of the prescription and the label to account for the accuracy of the prescription contents and the accuracy of the labeling;

(r) the reconstitution and restoration of the original form of medication previously altered for preservation and storage by the addition of a specific quantity of an appropriate diluent requiring no calculations. The pharmacy technician may assist in the preparation of sterile parenteral/enteral products under the direct supervision of a pharmacist. In all cases, the pharmacist shall check and verify the accuracy of the pharmacy technician; and

(s) the weighing or measuring of specific ingredients for the pharmacist to use in extemporaneous compounding. In all cases the accuracy of the weighing and measuring must be verified by the pharmacist.

5.3. The pharmacist-in-charge shall not allow anyone within the pharmacy area to perform pharmaceutical care other than, pharmacists, registered pharmacy technicians, pharmacy technician trainees and pharmacy interns. A ratio of no more than four pharmacy technicians and/or pharmacy technician trainees per on-duty pharmacist operating in any pharmacy shall be maintained. This ratio shall not include pharmacy interns.

5.4. A registered pharmacy technician shall not handle any telephone calls for new prescriptions from a physician's office and shall immediately transfer the calls to a pharmacist, except in the case of refill requests as set forth in subsection 5.2(m).

§1615-7-6. Identification of Technicians and Technician Trainees.

6.1. Pharmacy technicians shall wear a name tag approved by the Board which contains the designation "Pharmacy Technician" while working in a pharmacy within this State. The name tags shall contain lettering of a legible size. Pharmacy technicians and pharmacy technician trainees shall wear appropriate sanitary attire, other than a white coat.

6.2. During the period of training, a pharmacy technician trainee shall wear a name tag approved by the Board which contains the designation "Pharmacy Technician Trainee". The name tags shall contain lettering of a legible size be a holder on a lanyard or to be pinned or clipped to the trainee's lab coat capable of holding and displaying a board-issued wallet-sized copy of the pharmacy technician trainee's credential, which shall identify the trainee by name and registration number.

§15-7-7. Certificate of Registration; Transfer of Registration.

7.1. The Board shall will provide a certificate of registration to a pharmacy technician trainee who completes the required training program and passes the examination, if required applicants meeting the requirements for registration as a pharmacy technician.

7.2. The registration of the pharmacy technician may not be transferred to another pharmacy unless:

(a) the pharmacies are under common ownership and control and have a common training program; or

(b) the pharmacist-in-charge of the pharmacy at which the pharmacy technician intends to work certifies that the pharmacy technician is competent to perform the duties assigned in that pharmacy, and the pharmacist-in-charge submits to the Board certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed the pharmacy-specific 20-hour training program as outlined in subsection 3.2 of this rule.